

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

ALFRED BERRY,)	
)	
Plaintiff,)	
)	
v.)	CASE NO:
)	
TROY BURNETT and)	JUDGE:
MIJENN, INC.,)	MAGISTRATE:
)	
Defendants.)	JURY DEMAND

DEFENDANTS NOTICE OF REMOVAL

Defendants Troy Burnett and Mijenn, Inc., by and through undersigned counsel and pursuant to 28 U.S.C. § 1441 and § 1446, remove this action from the Circuit Court for Davidson County, Tennessee to the United States District Court for the Middle District of Tennessee, Nashville Division. In support thereof, Defendants aver as follows:

1. There was commenced on September 10, 2021 and is now pending in the Circuit Court for Davidson County, Tennessee, an action docketed as Case No. 21C1549 in which Alfred Berry (hereinafter "Plaintiff") is the Plaintiff, and Troy Barnett and Mijenn, Inc., (hereinafter "Defendants") are the Defendants.
2. Defendant Mijenn was served with process on September 21, 2021, and Defendant Troy Burnett was served with process on September 24, 2021 (A true and accurate copy of the Summons and Complaint is attached hereto as Exhibit 1).
3. This is a negligence action in which Plaintiff alleges that Defendant Troy Burnett, driving an over-the-road truck, negligently operated the truck and struck the rear of Plaintiff's vehicle, causing him personal injuries. Plaintiff seeks compensatory damages for physical injury and

pain, medical expenses, lost wages and economic damages, mental and emotional damages, impairment of ability to enjoy life, and other non-pecuniary losses.¹

4. Based on information and belief and communication with Plaintiff's counsel, Defendants assert that the claimed damages are in excess \$75,000.

5. This action involves a controversy between citizens of different states: (a) Plaintiff is alleged to be an individual residing in Owensboro, Daviess County, Kentucky; (b) Defendant Troy Burnett is alleged to be a resident of Sedalia, Pettis County, Missouri; and (c) Defendant Mijenn is an alleged resident of the state of Missouri.

6. The Plaintiff is a citizen of the state of Kentucky. Defendant Troy Burnett is a citizen of the state of Missouri, and Defendant Mijenn, being incorporated in Missouri and holding its principal place of business at 7848 Hwy KK, Florence Missouri, is a citizen of Missouri. Complete diversity of citizenship exists.

7. The District Court of the United States has been given originally jurisdiction in this action pursuant to 28 U.S.C. § 1332 and removal is proper under 28 U.S.C. § 1441 (a).

8. This notice of removal is timely filed in this case within thirty (30) days after service of Summons and Complaint upon Defendants. Summons was first received by Defendant Mijenn on September 21, 2021 and Defendant Troy Burnett on September 24.

9. Written notice of the filing of this Notice of Removal will be given to all parties as required by law.

10. A true and accurate copy of this Notice of Removal will be filed with the Clerk of Courts for the Circuit Court of Davidson County, Tennessee and with the Clerk of Courts of the United States District Court for the Middle District of Tennessee, Nashville Division.

¹ Plaintiff's Complaints states the relief sought as a "fair and reasonable" amount.

11. True and correct copies of the Summons and Complaints are attached as Exhibit 1.
12. Defendants consent to the removal of this matter. There are no other defendants, therefore no additional approval must be granted for this matter to be removed.
13. Pursuant to Fed. R. Civ. P. 38(b), Defendants hereby demand a jury trial of this matter.

Based on the forgoing, this action is properly removed from the Circuit Court for Davidson County, Tennessee to the United States District Court for the Middle District of Tennessee, Nashville Division for all further proceedings.

Respectfully submitted,

/s/ J. BRITT PHILLIPS

J. BRITT PHILLIPS, #020937

Sutter O'Connell

5200 Maryland Way Suite 350

Brentwood TN 37027

(615) 771-5060

Fax: (615) 771-1080

bphillips@sutter-law.com

Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2021 a copy of **NOTICE OF REMOVAL** was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system:

Susan Neal Wiley

MORGAN & MORGAN-NASHVILLE, PLLC

810 Broadway Suite 105

Nashville, TN 37203

Email: snwiley@forthepeople.com

s/J. BRITT PHILLIPS

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